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October 12, 2012

By Hand Delivery

United States Court of Appeals
First Circuit
8710 John Joseph Moakley, U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

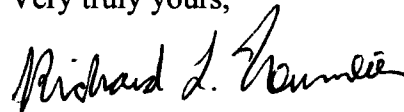
Re: Stanley Kolbe
Vs. BAC Home Loans Servicing, et al.
No: 11-2030

Dear Sir/Madam:

Enclosed for filing and docketing in the above-captioned matter please find one original and 9 copies of the MBA & AFSA Amicus Brief supporting Rehearing Petition together with a computer generated disc and Application for Leave to File Amicus Curiae Brief in Support of Petition for Rehearing En Banc.

Thank you for your attention to this matter.

Very truly yours,



Richard L. Neumeier

RLN/pw
Enclosure

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Cc: (w/enc.)

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No. 11-2030

**United States Court Of Appeals
For The First Circuit**

STANLEY KOLBE,
Plaintiff and Appellant,

vs.

BAC HOME LOANS SERVICING, LP, et al.,
Defendants and Appellees.

**Application for Leave to File
Amicus Curiae Brief in Support of
Petition for Rehearing En Banc**

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Attorneys for Amici Curiae
**MORTGAGE BANKERS ASSOCIATION and
AMERICAN FINANCIAL SERVICES ASSOCIATION**

The Mortgage Bankers Association (“MBA”) and the American Financial Services Association (“AFSA”) apply for leave to file the accompanying Amicus Curiae Brief in support of BAC Home Loans Servicing, LP’s petition for rehearing and rehearing en banc in this case.

A. Interest Of Amici

The MBA is the national association representing the real estate finance industry, an industry that employs more than 280,000 people in virtually every community in the country. Headquartered in Washington, D.C., the association works to ensure the continued strength of the nation’s residential and commercial real estate markets; to expand homeownership and extend access to affordable housing to all Americans.

MBA promotes fair and ethical lending practices and fosters professional excellence among real estate finance employees through a wide range of educational programs and a variety of publications. Its membership of over 2,200 companies includes all elements of real estate finance: mortgage companies, mortgage brokers, commercial banks, thrifts, Wall Street conduits, life insurance companies and others in the mortgage lending field. Additional information about the organization is available on MBA’s Web site: www.mortgagebankers.org.

AFSA is the nation’s largest trade association representing market-funded providers of financial services to consumers and small businesses. AFSA has a broad membership, ranging from large international financial services firms to single-office, independently owned consumer finance companies.

For over 90 years, AFSA has represented financial services companies that hold a leadership position in their markets and conform to the highest standards of customer service and ethical business practices. AFSA is dedicated to protecting access to credit and consumer choice. It encourages ethical business practices and supports financial education for consumers of all ages.

AFSA advocates before legislative, executive and judicial bodies on issues affecting its members' interests. *See, e.g., Am. Fin. Serv. Ass'n v. City of Oakland*, 34 Cal.4th 1239 (2005).

B. Reasons For Granting Leave To File

The Court should grant the MBA and AFSA leave to file an amicus brief in support of the petition for rehearing or rehearing en banc for two reasons:

First, as industry trade associations, the MBA and AFSA are uniquely well qualified to inform the Court of the nationwide importance of the issue raised on this appeal.

Second, as long-term participants in regulatory and other matters affecting mortgage lending, the MBA and AFSA are also particularly well situated to bring to the Court's attention facts about the development of the insurance section of the FHA's mortgage form.

Both points support the rehearing petition. A rehearing is justified to assure that the Court correctly resolves the very important issue raised on this appeal. The drafting history of the FHA mortgage form's insurance section shows the panel majority opinion reaches an incorrect result.

For both reasons, the accompanying amicus brief will aid the Court in deciding whether to grant the petition, and if it does so, in re-deciding the appeal on the merits. Therefore, the MBA and AFSA respectfully request that the Court grant them leave to file the accompanying amicus brief in support of the rehearing petition.

**UNITED STATES COURT OF APPEALS
For The First Circuit**

CERTIFICATE OF SERVICE

No. 11-2030

Short Title: Stanley Kolbe v. BAC Home Loans Servicing, LP, et al.

I hereby certify that on October 12, 2012, I mailed the foregoing document with the United States Court of Appeals for the First Circuit. I further certify that on that date, I served the counsel listed below, by mail:

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